THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.11593 OF 2005

Dated 07-11-2005

Between:

Shaik Arif Ahmed Pasha ….Petitioner

And

The Government of A.P. Department of

Panchayat Raj and others

…Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.11593 OF 2005

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

Heard learned counsel for the parties.

Perused the records produced by the learned Government Pleader for Panchayat Raj. The case has a long history. It appears that fourth respondent was given lease of a sand quarry from 05-06-1999 to 31-05-2001. This lease became subject matter

of a writ petition being W.P.No.23062 of 1999, which was filed against fourth respondent and this Court, passed an order of stay in the writ petition, which remained effective for a period of 236 days. Since the writ petition was pending in this Court and there was an order of stay, the fourth respondent could not execute the work for 236 days, which is an admitted case. Thereafter, the writ petition was disposed of as infructuous and also directing the fourth respondent to make a representation to the authorities regarding conducting of mining operations for one year as he could not work out the mine for the whole year. Therefore, the fourth respondent submitted to the authorities that he should be allowed to work for 236 days as the lease period has already come to an end and he had paid the lease amount. Finally, the respondents passed an order giving the benefit to the fourth respondent that he should be allowed to do the quarry work for a period of 236 days. This order was passed on 07-01-2005. Again this order was challenged by way of four writ petitions. One writ petition has already been withdrawn and three writ petitions are before us. It appears from the history of this case that successively the writ petitions have been filed perhaps to derive some benefit out of the fourth respondent. One writ petition has already been withdrawn and we have our own doubts as to why that writ petition was withdrawn. Was there any arrangement between that writ petitioner and the present fourth respondent? The only contention raised by the learned counsel for the writ petitioner is that at an earlier order, the Collector had ordered that lease shall not be extended for 236 days, but he shall be compensated. In any case, it was for the respondents 1 to 3 to decide as to how the fourth respondent would be compensated. As a matter of fact, he lost almost whole of the lease period even after making the payment because of stay order of this Court and the orders of the Court cannot prejudice anybody's rights, therefore, the impugned order passed in favour of the fourth respondent appears to be fair and just.

The second contention raised by the petitioner was that the lease has been granted to the fourth respondent even without a clearance from the Ground Water Department. We have perused the record. There are so many certificates given by the Ground Water Department and this contention is also factually wrong. We feel that this writ petition has been filed with a *mala fide* intention in the name of public interest and such tendencies cannot be allowed to go, therefore, we dismiss the writ petition and impose costs of Rs.5,000/- (Rupees Five Thousand only) on the

petitioner. He shall pay the costs towards the State Legal Services Authority, Hyderabad, within a period of four weeks.

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(Bilal Nazki, ACJ)

7th November, 2005

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(R.Subhash Reddy,J)

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